



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,947	02/15/2002	Dennis C. Price	125697-1001	3412
7590	02/24/2004		EXAMINER	
Kenneth T. Emanuelson Gardere Wynne Sewell LLP 3000 Thanksgiving Tower 1601 Elm Street, Suite 3000 Dallas, TX 75201-4767			GALL, LLOYD A	
			ART UNIT	PAPER NUMBER
			3676	
DATE MAILED: 02/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/076,947	PRICE, DENNIS C.
Examiner	Art Unit	
Lloyd A. Gall	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 February 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,7-9 and 11-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,7-9 and 11-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by the UK reference (652).

The UK reference (652) teaches a generally cylindrical mogul cylinder assembly 12 including a cylinder bore with a cylinder blank 22 having an axis offset from the principal axis of the mogul 12, a first driver pin bore 30", a second driver pin bore 30', and a third driver pin bore at location 36, the cylinder blank 22 including first, second and third pass key pins 33 located in first, second and third pass key pin bores, wherein the pass key pins 33 include a conical shaped end.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the UK reference (652) in view of the French reference (966).

The French reference (966) teaches a hardened shielding device 15 with a rectangular cutout located in front of pass key pins 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a shielding device in front of

the pass key pins of the UK reference (652), in view of the teaching of the French reference (966), the motivation being to protect the pass key pins from cutting/tampering attempts.

Claims 1, 2, 8, 9, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference (781) in view of Field et al (404). The French reference (781) teaches a lock housing mogul 1 having a principal axis, a cylinder blank 2 located in an offset cylinder bore of the housing 1, three sets of driver pin bores and driver pins 10, three sets of pass key pin bores and pass key pins 6, and caps 13 to close the driver pin bores. The central principal plane is shown where the numeral 10 refers to a pin set in figure 2. With respect to claim 11, the pin set at numeral 10 in figure 2 defines a second set, and first and third planes are defined by the pin sets at locations 4 and 6 as seen in figure 2. As seen in fig. 4, Field et al (404) teaches an offset cylinder blank 20 in a housing 1, wherein the outside surface of the housing 10 is cylindrical, the pass key pins 30 include conical shapes, and the caps 39 are threaded. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lock of the French reference (781) to include an outside cylindrical surface on the housing 1, conical shaped pass key pins, and threaded caps 13, in view of the teaching of the Field et al reference, the motivation being to prevent tampering with the ends of the pass key pins and to allow the caps to be easily removed to simplify keying of the lock with other pin sets.

Claims 7, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified French reference (781) as applied to claims 1 and 8 above, and further in view of Shvarts (968).

Shvarts teaches locating hardened dowel pins 102, 104, 106 in front of driver pins/bores and the front surface of the mogul 38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide hardened dowel pins in front of the driver pins/bores of the French reference (781), in view of the teaching of Shvarts, the motivation being to protect the driver pins from cutting/tampering attempts.

Claims 13, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified French reference (781) as applied to claims 8 and 15 above, and further in view of the French reference (966).

The French reference (966) teaches a hardened shielding device 15 with a rectangular cutout located in front of pass key pins 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a shielding device in front of the pass key pins of the French reference (781), in view of the teaching of the French reference (966), the motivation being to protect the pass key pins from cutting/tampering attempts.

Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified French reference (781) as applied to claims 8 and 15 above, and further in view of Taylor (209), Eras and the French reference (966).

Taylor teaches protecting the driver pins with a hardened pin 5, as well as protecting the pass key pins with a shield 4. Eras teaches protecting each set of driver pins with at

least one hardened pin 6. The French reference (966) teaches a shield disk 15 with a rectangular cutout. It would have been obvious to one of ordinary skill in the art at the time the invention was made to protect both the driver and pass key pins of the French reference (781), with hardened pins and a shield, in view of the teaching of Taylor, the motivation being to protect all tumbler pins from cutting/tampering attempts. To protect all sets of the driver pins of the modified French reference (781) with hardened pins, would have been obvious in view of the additional teaching of Eras, to optimize the security of the lock against tampering. To utilize a rectangular cutout with the shielding disk of the French reference (781) as modified by Taylor, would have been obvious in view of the teaching of the French reference (966), the motivation being to allow the shield to be used with key cylinder keyways and key blades of plural shapes.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified French reference (781) as applied to claim 15 above, and further in view of Eras.

Eras teaches protecting each set of driver pins with at least one hardened pin 6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to protect each set of the driver pins of the French reference (781) with at least one hardened pin, in view of the teaching of Eras, the motivation being to optimize the security of the lock against cutting/tampering attempts.

Applicant's arguments with respect to claims 1, 2, 7-9 and 11-20 have been considered but are moot in view of the new ground(s) of rejection. It is also submitted

that a motivational statement is provided with the combination of all references, as outlined in the rejections above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LC
February 23, 2004

Lloyd A. Gall
Lloyd A. Gall
Primary Examiner